

Carnival and Amusement Ride Safety Advisory Board Meeting

Meeting, October 16, 2008

Board Members Present: Cynthia Wilk, Chair; Lucy Murphy; Geoffrey Rogers; Ernest Niles; Albert Belmont; Nancy Sheridan; William Gehlhaus

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Carrie Battista, Bureau of Code Services; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit

Members of the Public: Anthony Casale, Fun Factory Amusements/ROAR; Kim Samarele, NJAA; Mark Zeintek, NJ Partyworks/ROAR; Lary Zucker, NJAA; Ed McGlynn, NJAA; Claudine Leone, ACA

The meeting was called to order at 10:15 am.

Approval of the Minutes of January 31, 2008.

A motion was made by William Gehlhaus seconded by Mr. Ernest Niles to accept the minutes of the 1/31/08 meeting.

Old Business

1. Electrical Disconnects and Emergency Stops – Staff reported that the past discussion on this issue focused on two things. The first was the treatment of existing rides that do not comply with the disconnect requirement because of either location, number of devices or the operation of the devices. The Staff reiterated that it had, as a policy, agreed to proceed slowly on these issues allowing compliance times that would not disrupt the operation of the ride during the season unless it was an immediate hazard. The second part of the issue was the revision of the rules to clarify the standards for disconnects and means of emergency shutting off. Geoff Rogers reported that because of the difficulty holding meetings during the ride season that the committee had only one meeting thus far and the meeting was essentially to frame the issue rather than work on changes. Staff agreed to help facilitate the process by making the meeting arrangements for the committee. Staff will try to arrange a meeting of the committee before the next Board meeting.

2. Portable verses fixed rides – the Department staff reported that the Board had asked the Department to hold the adoption of the portable verses fixed ride rule until the Department could meet with several members of the industry that had concerns with the wiring methods prescribed in the rules. The Department in the proposal had stated that the wiring that is used for travelling shows was not appropriate for use within a fixed amusement park. The Department met with the affected parties on several occasions. It was agreed by all parties that the rule should be consistent with the intent of the National

Electrical Code. An interpretation from the NEC staff indicated that the wiring method in the NEC for traveling shows was not appropriate for fixed parks. No change was made to the proposal and it is now being processed for adoption. A question about the applicability of the rule to existing parks was asked. Staff responded that the rule was prospective and that as long as the local Electrical Subcode Official determines that the installation is not unsafe it can remain. Another question about the ability to relocate rides within the fixed park was asked. Staff responded that the allowance for 20 feet of flexible wiring beyond the ride perimeter to the ride was retained in the adoption.

D. New Business

1. Rock Walls Climbing Lane Widths – The Department reported that it had received complaints from rock wall owners regarding the climbing widths that were established in the recently passed rules on rock walls. The rule called for a five foot separation between climbers. The Department conducted a survey of the existing rock walls that were permitted. The results were distributed to the Board. The results showed that almost none of the existing rock walls have a five foot separation. The Department presented a proposal that would eliminate the climbing width requirement in all cases because the standard that the width is based on is no longer in circulation and because, in spite of the fact that almost none of the existing rock walls meet the width requirement, there have been no substantiated safety issues related to separation of climbers. The proposal would also clarify that a written checklist would not need to be filled out by the operator prior to each climb. A motion was made by William Gehlhaus seconded by Albert Belmont to move forward with the proposal. The Department will submit the proposal to the New Jersey Register.

2. Worker Safety – The Board discussed the accident that involved the Star Jet Roller Coaster. The incident involved a worker entering a restricted area to retrieve a patron's hat while the ride was operating. The Department reported that because the incident involved a worker rather than a member of the riding public that OSHA was leading the investigation. The Department also reported that they were unaware of the status of OSHA's investigation. The Department noted that the employee had been trained and was familiar with the operating procedures for the ride. The Board concluded that the matter appeared to be a case of poor judgment on the part of the employee and that no changes to the rule or enforcement of the existing rules would reasonably be expected to prevent such an incident. No action is proposed at this time.

3. Provisional Approval to Operate – The Board discussed whether a provisional approval to operate could be issued before engineering review if the Department had a reasonable assurance that the design of the ride was acceptable. Reciprocity with other states was suggested; however, New Jersey is the only state in the area that does a thorough engineering review prior to approval so other State approvals do not meet the standard of equivalency that would allow for reciprocity. The Board discussed that without actually performing a review the Department could not reasonably say that a ride was safe and therefore such a provisional approval could not be considered. There was discussion that other efforts to streamline the approval process were being investigated,

such as including the prospective owner on correspondence between the Department and the manufacturer. No action is proposed at this time.

4. Board meeting schedule for 2009 – The Board reviewed the proposed Board meeting dates for 2009. It was noted that the scheduled May 28th date was the week before Memorial Day. The Board suggested that May 21st would be a better date. The Department will circulate a revised schedule at the next Board meeting.

E. Information

1. Ride Statistics – Year end statistics for 2008 were presented. Mr. Triplett went over the six serious accidents that happened in 2008. There was discussion regarding one of the serious incidents that was reported. A ride patron suffered a heart attack while riding on a water slide. Board members discussed whether this should be reported in the serious incident category since the accident had nothing to do with the safety of the ride or with the proper operation of the ride. The Department noted that when the statistics are requested, a detail of the serious incidents is usually provided so the information can be accurately portrayed. How the statistics are portrayed is ultimately up to the group presenting them, but the past experience has been that they have been presented fairly.

2. Rule Proposals – Staff gave the status of the various proposals that have been passed by the Board but have not been adopted yet. A member of the public asked about the proposal to increase fees. The Department indicated that there was a fee proposal to increase all of the Departments fees that would result in a 26% increase in the fees associated with amusement rides.

Public Comment

1. RCMT Training – Mr. Zucker reported that the NJAA would be holding NAARSO training sometime in February and invited the Department to send its staff members. Anthony Casale expressed concern about the RCMT rule concerning the provision that would grandfather in existing employees without having to take the test. Staff responded that they would meet with Mr. Casale after the meeting to review his concerns.

William Gehlhaus made a motion to adjourn, Geoff Rogers seconded. All were in favor. The meeting was adjourned at 12:10 pm.